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12 *on behalf of himself and all others similarly situated*

13 *Attorneys for Defendants listed on following*
14 *page,*

15 **UNITED STATES DISTRICT COURT**
16 **NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION**

17
18 DAVID MCDONALD, on behalf of himself
and all others similarly situated,

19 Plaintiff,

20 v.

21
22 CP OPCO, LLC, dba CLASSIC PARTY
RENTALS; APOLLO GLOBAL
23 MANAGEMENT, LLC; INSPIRITY PEO
SERVICES, L.P.; and DOES 1-20,

24 Defendants.
25
26
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28

Case No: 4:17-cv-04915-HSG

JOINT STIPULATION AND
~~PROPOSED~~ ORDER FOR LEAVE
TO FILE SECOND AMENDED
COMPLAINT

Complaint Filed: 8-24-2017
Trial Date: None Set

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12 *Attorneys for Defendant, APOLLO GLOBAL MANAGEMENT, LLC*

1 Plaintiff DAVID MCDONALD and Defendants INSPERITY PEO SERVICES,
2 L.P.(hereinafter, “Insperity”) and APOLLO GLOBAL MANAGEMENT, LLC (hereinafter,
3 “Apollo”) (hereinafter collectively, the “Parties”) hereby stipulate as follows:

4 WHEREAS, this putative class action was initiated on August 24, 2017, when Plaintiff
5 filed the Class Action Complaint;

6 WHEREAS, the case was assigned to the Honorable Sallie Kim;

7 WHEREAS, Plaintiff filed the First Amended Complaint on September 14, 2017;

8 WHEREAS, Defendant Insperity filed its Answer to the First Amended Complaint on
9 October 10, 2017;

10 WHEREAS, Defendant CP OpCo, LLC, doing business as Classic Party Rentals failed to
11 respond to the First Amended Complaint, and default was entered as to Defendant CP OpCo, LLC,
12 doing business as Classic Party Rentals on October 23, 2017;

13 WHEREAS, pursuant to Rule 12(a)(1)(A)(i) of the Federal Rules of Civil Procedure,
14 Apollo originally had until October 10, 2017 to file a response to the First Amended Complaint;

15 WHEREAS, the Parties previously stipulated on October 10, 2017 that Apollo would
16 have an additional twenty (20) days to respond to the Complaint, until October 30, 2017;

17 WHEREAS, the Parties subsequently stipulated that Apollo would have an additional
18 three (3) weeks in which to respond to the Complaint, until November 20, 2017, because it was
19 Apollo’s position that the three additional weeks were necessary in order to provide Apollo with
20 sufficient time to provide additional information to Plaintiff in connection with Plaintiff’s claims;
21 and

22 WHEREAS, Apollo has now provided Plaintiff with additional information;

23 NOW THEREFORE, the parties hereby stipulate and agree that:

24 (a) Plaintiff should have leave to file a Second Amended Complaint in this lawsuit for
25 purposes of adding additional parties. There are no other changes to the complaint.

26 A copy of the proposed Second Amended Complaint is attached hereto as Exhibit A.

27 (b) Neither Apollo nor Insperity nor any of their affiliates shall be deemed to have
28 waived any rights, remedies or defenses (including without limitation the right to

1 object to the inclusion of any party as a defendant in this lawsuit) as a result of
2 having (i) provided additional information to Plaintiff in connection with Plaintiff's
3 claims or (ii) agreed that Plaintiff should have leave to file a Second Amended
4 Complaint in this lawsuit.

5 (c) Apollo and any parties added as defendants in the Second Amended Complaint will
6 have an additional thirty (30) days to respond to the complaint.

7 Dated: November 20, 2017

Respectfully submitted,

8 RUDY, EXELROD, ZIEFF & LOWE, L.L.P.

9 By: /s/ John T. Mullan

10 JOHN T. MULLAN
11 CHAYA MANDELBAUM
12 MEGHAN F. LOISEL

13 ALTSHULER BERZON
14 JAMES M. FINBERG
15 EILEEN B. GOLDSMITH
16 MEREDITH A. JOHNSON
17 Attorneys for Plaintiff
18 DAVID MCDONALD, on behalf of
19 himself and all others similarly situated

20 Dated: November 20, 2017

Respectfully submitted,

21 PAUL, WEISS, RIFKIND, WHARTON &
22 GARRISON LLP

23 By: /s/ Gregory F. Laufer

24 ANDREW J. EHRLICH (appearing *pro*
25 *hac vice*)
26 GREGORY F. LAUFER (appearing *pro*
27 *hac vice*)
28 Attorneys for Defendant
APOLLO GLOBAL MANAGEMENT,
LLC

Dated: November 20, 2017

Respectfully submitted,

FISHER & PHILLIPS LLP

By: /s/ Christopher M. Ahearn

BORIS SORSHER
CHRISTOPHER M. AHEARN
Attorneys for Defendant
INSPERITY PEO SERVICES, L.P.

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Attestation of Consent to File

Pursuant to Rule 5-1(i)(3) of the local rules of this Court, I, John T. Mullan, hereby attest that I obtained concurrence in the filing of this document from each of the other signatories listed above.


By: /s/ John T. Mullan

ORDER

Plaintiff is hereby granted leave to file a Second Amended Complaint in this lawsuit for purposes of adding Apollo Centre Street Partnership, L.P.; Apollo Franklin Partnership, L.P.; Apollo Credit Opportunity Fund III AIV I, LP; Apollo SK Strategic Investments, L.P.; Apollo Special Opportunities Managed Account, L.P.; and Apollo Zeus Strategic Investments, L.P. as Defendants in this matter.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: November 27, 2017


Honorable Haywood S. Gilliam, Jr.
United States District Judge